

AMENDED IN ASSEMBLY MARCH 19, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1441

Introduced by Assembly Member Stone

January 6, 2014

An act to amend Sections 49069.5 and 51225.2 of the Education Code, relating to foster care pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 1441, as amended, Stone. Pupils in foster care: transfers between schools: educational record: course credit.

Existing law establishes procedures for the transfer of pupils in foster care between schools and, among other things, requires the local educational agency from which the pupil is transferring to compile the complete educational record of the pupil, including a determination of seat time, full or partial credits earned, and current classes and grades.

This bill would require a local educational agency, as defined, in determining credits earned for coursework completed in a course that satisfies the requirements for graduation, to *calculate and* award credit for that course in proportion to the period of time the pupil ~~was enrolled in~~ *attended* the course and ~~achieving a passing grade, as defined.~~ *achieved a grade of D or higher.*

Existing law requires a school district and county office of education to which a pupil in foster care is being transferred to accept coursework satisfactorily completed by that pupil while attending another school, and requires credits accepted to be applied to the same or equivalent course, if applicable. Existing law prohibits a school district or county office of education from requiring the pupil in foster care to retake a

course if the pupil has satisfactorily completed the entire course at another school, as specified.

This bill would instead require a local educational agency, defined to also include a charter school, to accept *full or partial credit and grades for* coursework for which a pupil in foster care received a passing grade, as defined, while attending another school, and would prohibit a local educational agency from requiring a pupil in foster care to retake a course if the pupil has received a passing grade and completed the entire course in another school. The bill would specify that coursework completed in a course required for graduation shall be awarded in the same or an equivalent course that satisfies the requirements for graduation. The bill would require each local educational agency, at a regularly scheduled public hearing, to adopt a policy that establishes a method for awarding *full or partial credit* to pupils in foster care transferring between schools, and would require the Superintendent of Public Instruction to issue a letter each year to each local educational agency *notifying the agency* of its responsibility to award all full and partial credit for courses to pupils in foster care who transfer between schools in accordance with specified provisions. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 49069.5 of the Education Code is
- 2 amended to read:
- 3 49069.5. (a) The Legislature finds and declares that the
- 4 mobility of pupils in foster care often disrupts their educational
- 5 experience. The Legislature also finds that efficient transfer
- 6 procedures and transfer of pupil records is a critical factor in the
- 7 swift placement of foster children in educational settings.

1 (b) The proper and timely transfer between schools of pupils in
2 foster care is the responsibility of both the local educational agency
3 and the county placing agency.

4 (c) As soon as the county placing agency becomes aware of the
5 need to transfer a pupil in foster care out of his or her current
6 school, the county placing agency shall contact the appropriate
7 person at the local educational agency of the pupil. The county
8 placing agency shall notify the local educational agency of the
9 date that the pupil will be leaving the school and request that the
10 pupil be transferred out.

11 (d) Upon receiving a transfer request from a county placing
12 agency, the local educational agency shall, within two business
13 days, transfer the pupil out of school and deliver the educational
14 information and records of the pupil to the next educational
15 placement.

16 (e) As part of the transfer process described under subdivisions
17 (c) and (d), the local educational agency shall compile the complete
18 educational record of the pupil that includes the following:

19 (1) A determination of seat time, full or partial credits earned,
20 and current classes and grades. In determining credits earned for
21 coursework completed in a course that satisfies the requirements
22 for graduation pursuant to Section 51225.3, the local educational
23 agency shall *calculate and* award credit for that course in
24 proportion to the period of time the pupil ~~was enrolled in~~ *attended*
25 ~~the course and achieving a passing grade.~~ *achieved a grade of D*
26 *or higher pursuant to Section 51225.2.*

27 (2) Immunization and other records.

28 (3) If applicable, a copy of the pupil's plan adopted pursuant to
29 Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C.
30 Sec. 794 et seq.) or individualized education program adopted
31 pursuant to the federal Individuals with Disabilities Education Act
32 (20 U.S.C. Sec. 1400 et seq.).

33 (f) The local educational agency shall assign the duties listed
34 in this section to a person competent to handle the transfer
35 procedure and aware of the specific educational recordkeeping
36 needs of homeless, foster, and other transient children who transfer
37 between schools.

38 (g) The local educational agency shall ensure that if the pupil
39 in foster care is absent from school due to a decision to change the
40 placement of a pupil made by a court or placing agency, the grades

1 and credits of the pupil will be calculated as of the date the pupil
2 left school, and no lowering of grades will occur as a result of the
3 absence of the pupil under these circumstances.

4 (h) The local educational agency shall ensure that if the pupil
5 in foster care is absent from school due to a verified court
6 appearance or related court ordered activity, no lowering of his or
7 her grades will occur as a result of the absence of the pupil under
8 these circumstances.

9 (i) For purposes of this section, the following definitions apply:

10 (1) "Pupil in foster care" means any child who has been removed
11 from his or her home pursuant to Section 309 of the Welfare and
12 Institutions Code, is the subject of a petition filed under Section
13 300 or 602 of the Welfare and Institutions Code, or has been
14 removed from his or her home and is the subject of a petition filed
15 under Section 300 or 602 of the Welfare and Institutions Code.

16 ~~(2) "Passing grade" means a grade D or higher.~~

17 ~~(3)~~

18 (2) "Local educational agency" means a school district, charter
19 school, or county office of education.

20 SEC. 2. Section 51225.2 of the Education Code is amended to
21 read:

22 51225.2. (a) For purposes of this section, the following
23 definitions apply:

24 (1) "Pupil in foster care" means any child who has been removed
25 from his or her home pursuant to Section 309 of the Welfare and
26 Institutions Code, is the subject of a petition filed under Section
27 300 or 602 of the Welfare and Institutions Code, or has been
28 removed from his or her home and is the subject of a petition filed
29 under Section 300 or 602 of the Welfare and Institutions Code.

30 (2) "Passing grade" means a grade D or higher.

31 (3) "Local educational agency" means a school district, charter
32 school, or county office of education.

33 *(b) No later than July 1, 2015, each local educational agency,*
34 *at a regularly scheduled public hearing, shall adopt a policy that*
35 *establishes a method for awarding partial or full credit to pupils*
36 *in foster care who are transferring between schools.*

37 *(1) In the development of the partial credit policy, a local*
38 *educational agency is encouraged to consult or adopt the Partial*
39 *Credit Model Policy and Practice Recommendations adopted by*
40 *the California Child Welfare Council to determine the number of*

1 *days of course attendance required for each partial credit awarded,*
2 *allowing for excused absences and absences due to their status as*
3 *a youth in foster care.*

4 (2) *No later than July 1, 2015, and each year thereafter, the*
5 *Superintendent shall issue a letter to each local educational agency*
6 *that notifies the local educational agency of its duty to award all*
7 *full and partial credit for courses to pupils in foster care who*
8 *transfer between schools in accordance with this section and*
9 *Section 49069.5.*

10 ~~(b)~~

11 (c) Notwithstanding any other law, a local educational agency
12 shall accept *full or partial credits and grades for* coursework for
13 which a pupil in foster care received a passing grade while
14 attending another public school, a juvenile court school, or a
15 nonpublic, nonsectarian school or agency even if the pupil did not
16 complete the entire course and shall issue that pupil full or partial
17 credit for the coursework completed in accordance with the local
18 educational agency policy established pursuant to subdivision-~~(f)~~
19 ~~(b)~~.

20 ~~(e)~~

21 (d) The credits *and grades* accepted pursuant to subdivision-~~(b)~~
22 (c) shall be applied to the same or equivalent course, if applicable,
23 as the coursework completed in the prior public school, juvenile
24 court school, or nonpublic, nonsectarian school or agency. If the
25 coursework completed is in a course required for graduation, as
26 specified in Section 51225.3, credit shall be awarded in the same
27 or an equivalent course that satisfies the requirements for
28 graduation.

29 ~~(d)~~

30 (e) A local educational agency shall not require a pupil in foster
31 care to retake a course if the pupil has received a passing grade
32 and completed the entire course in a public school, a juvenile court
33 school, or a nonpublic, nonsectarian school or agency. If the pupil
34 did not complete the entire course, the local educational agency
35 shall not require the pupil to retake the portion of the course the
36 pupil completed unless the local educational agency, in consultation
37 with the holder of educational rights for the pupil, finds that the
38 pupil is reasonably able to complete the requirements in time to
39 graduate from high school. When partial credit is awarded in a
40 particular course, the pupil in foster care shall be enrolled in the

1 same or equivalent course, if applicable, so that the pupil may
2 continue and complete the entire course.

3 (e)

4 (f) A pupil in foster care shall not be prevented from retaking
5 or taking a course to meet the eligibility requirements for admission
6 to the California State University or the University of California.

7 ~~(f) No later than July 1, 2015, each local educational agency,~~
8 ~~at a regularly scheduled public hearing, shall adopt a policy that~~
9 ~~establishes a method for awarding partial credit to pupils in foster~~
10 ~~care who are transferring between schools.~~

11 ~~(g) No later than July 1, 2015, and each year thereafter, the~~
12 ~~Superintendent shall issue a letter to each local educational agency~~
13 ~~that notifies the local educational agency of its duty to award all~~
14 ~~full and partial credit for courses to pupils in foster care who~~
15 ~~transfer between schools in accordance with this section and~~
16 ~~Section 49069.5.~~

17 SEC. 3. If the Commission on State Mandates determines that
18 this act contains costs mandated by the state, reimbursement to
19 local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.